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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,439	09/04/2003	Jyh-Wei Liang	3313-1028P	5151

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

LEE, Y MY QUACH

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/654,439	LIANG, JYH-WEI	
	Examiner	Art Unit	
	Y Quach Lee	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Specification

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to provide an enabling disclosure of the invention. For instance, it is not clear how the upper buckling screw 73 and the lower bucking screw 74 limit the range of motion of the lamp seat 60?

Although the specification states that the lamp seat is at the upper dead point of the movable range when the lamp seat reaches the upper bucking screw, and the lamp seat is at the lower dead point of the movable range when the lamp seat reaches the lower bucking screw, it is not clear how the lamp seat can be able to reach the upper bucking screw 73 especially the lower bucking screw 74 is higher than the lower bucking screw? In view of drawing figure 2, it would appear that the lamp seat reaches the lower bucking screw 74 and is stopped by the lower bucking screw, the lamp seat can **not** be able to further reach the upper bucking screw 73. The drawings do not illustrate the contact point of the lamp seat reaching the upper bucking screw 74 and the contact point of the lamp seat reaching the lower bucking screw 73.

Claim Objections

2. Claims 3, 6 and 7 are objected to because of the following informalities: In claims 3 and 6, there is no proper antecedent basis for "the center". It should be changed to --a center--. In claim 7, there is no clear antecedent basis for "the bolt". It should be changed to --the fastener--. Note that the term "bolt" is first introduced in claim 5. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 1 to 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the essential structural cooperative relationships of elements have been omitted, such omission amounting to a gap between the necessary structural connections. For instance, it is not clear how merely turning the rotating shaft allow the lamp seat to generate an

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axial movement in a range of an upper dead point and a lower dead point without proper mounting cooperation with other elements such as the sleeve, the screw of the loading disk ...? Note that the rotating shaft is merely located on one side of the lamp seat. Merely locate the rotating shaft on one side of the lamp seat will not allow the lamp seat to generate an axial movement ...

Claims 2 to 9 depend on rejected claim 1 and as such are also rejected.

4. Claims 1 to 9 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Conclusion

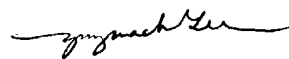
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Borders et al., Hallings et al. (4,916,597) and Hallings et al. (4,878,156) are cited to show other pertinent adjustable surgical lamp handles for controlling the projection scope of the surgical lamps.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.
April 13, 2004



Y Quach Lee
Patent Examiner
Art Unit 2875